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11 Attorneys for Class and Named Plaintiff  
12 PAUL SAPAN  
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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

PAUL SAPAN, individually and on Behalf of  
All Others Similarly Situated,

Case No.:

**CLASS ACTION COMPLAINT**

Plaintiff,  
vs.

**Violation(s) of Telephone  
Consumer  
Protection Act of 1991**

CROSSCOUNTRY MORTGAGE, LLC,

Defendants.

**Jury Trial Demanded**

Plaintiff PAUL SAPAN (“Plaintiff” and/or “Plaintiffs”), individually and on behalf of the Class described below, by their attorneys, make the following allegations based upon information and belief, except as to allegations specifically pertaining to Plaintiffs and their counsel, which are based on personal knowledge. Plaintiffs bring this action for injunctive relief and damages against Defendant demanding a trial by jury.

## **JURISDICTIONAL ALLEGATIONS**

1. Plaintiff at all times herein mentioned was a resident of the County of Orange, State of California.

2. Defendant CROSCOUNTRY MORTGAGE, LLC is, and at all times herein mentioned was, a Delaware Corporation, headquartered in the State of Ohio, doing business in the County of Orange, State of California (hereinafter referred to as “Defendant” and/or “CROSCOUNTRY”).

3. This case is filed pursuant to the Telephone Consumer Protection Act of 1991, 47 U.S.C. §227 et. seq. (“TCPA”). The U.S. Supreme Court decided that federal courts have federal question subject matter jurisdiction over such TCPA civil actions under 28 U.S.C. §§ 1331 and 1441. *Mims v. Arrow Fin. Services, LLC*, 565 U.S. 368, 387, 132 S.Ct. 740, 753 (2012).

4. At all times herein mentioned each employee, representative, officer, director, or consultant of any Defendant was acting as its agent.

## NATURE OF THE ACTION

5. Plaintiffs bring this class action against Defendant for injunctive relief and damages and all other relief available at law and in equity on behalf of themselves and members of the following class of persons:

*All persons and entities located within the United States of America who claim to be able to provide a phone bill or statement showing they were a residential telephone subscriber and that their number was registered on the National Do-Not-Call Registry to whose residential telephone Defendant and/or its agents transmitted two or more telemarketing calls in one calendar year without prior express written consent from the called party or an ‘existing business relationship’ at any time from May 16, 2020 to the present, including up to and through trial.*

6. The TCPA was passed in order to regulate telemarketing by prohibiting, *inter alia*, phone calls to numbers on the federal Do Not Call Registry run by the Federal Trade Commission. 47 U.S.C. § 227(b)(1)(B).

7. CROSCOUNTRY is engaged in a scheme to sell mortgage refinance services via cold calls to residential phone numbers on the protected federal Do Not Call Registry.

8. Thus, CROSCOUNTRY is engaging in making illegal telemarketing calls prohibited by the Telephone Consumer Protection Act of 1991 (“TCPA”), which gives victims of junk calls a private right of action to sue for the intrusion on their privacy.

9. The modus operandi is the same for all the calls in this case, CROSSCOUNTRY either directly or using an agent acting at the direction of CROSSCOUNTRY calls various numbers in the United States to sell CROSSCOUNTRY's services without regard to whether those numbers are on the Do Not Call Registry or not.

10. CROSCOUNTRY and/or its agents do not check the federal Do Not Call Registry before making these calls nor engage in any Do Not Call Registry compliance.

11. These cold calls are made to massive lists of phone numbers in the United States with no regard for whether these numbers have been registered on the National Do-Not-Call Registry (“DNC”) or not.

12. CROSCOUNTRY has intentionally violated the TCPA in a so-far successful attempt to sell financial and/or mortgage packages for years.

## **FACTUAL DETAILS RE NAMED PLAINTIFF**

13. Defendants made Twenty-eight (28) calls to PAUL SAPAN's home phone number (310-444-1999) wherein they tried to pitch their mortgage refinance

1 services on the following dates and times and using the following Caller ID  
2 (“CID”) numbers:

- 3 • 5/20/20, 11:10am, CID 480-506-0842; Answered call.
- 4 • 4/28/21, 12:47pm, CID 315-830-5321; Answered call.
- 5 • 4/28/21, 12:51pm, CID 936-247-5390; Answered call.
- 6 • 4/28/21, 3:32pm, CID 609-467-1531; Answered call.
- 7 • 4/28/21, 3:36pm, CID 615-488-9234; Answered call.
- 8 • 5/24/21, 9:29am, CID 440-845-3700; Missed call.
- 9 • 5/24/21, 3:08pm, CID 440-845-3700; Answered call.
- 10 • 6/23/21, 12:40pm, CID 310-477-3917; Answered call.
- 11 • 6/23/21, 1:13pm, CID 949-416-3601; Answered call.
- 12 • 6/23/21, 1:14pm, CID 949-416-3601; Missed call, voicemail left.
- 13 • 6/25/21, 4:23pm, CID 949-416-3601; Missed call.
- 14 • 6/25/21, 4:25pm, CID 949-416-3601; Missed call.
- 15 • 6/30/21, 2:36pm, CID 949-416-3601; Missed call.
- 16 • 7/3/21, 3:54pm, CID 949-416-3601; Missed call.
- 17 • 7/17/21, 5:13pm, CID 949-416-3601; Missed call.
- 18 • 7/19/21, 5:27pm, CID 949-416-3601; Missed call.
- 19 • 7/22/21, 4:48pm, CID 949-416-3601; Missed call.
- 20 • 7/24/21, 4:33pm, CID 949-416-3601; Missed call.

21 14. Mr. Sapan made a log of all the calls he received from  
22 CROSCOUNTRY during or shortly after receiving the calls which includes the  
23 date and time of the call as well as brief notes about what happened during the  
24 calls.

25 15. This call log is attached to this Complaint as Exhibit 1, and is  
26 incorporated herewith.

27 16. All the calls illegally blocked transmitting Caller ID Name  
28 information. *See*, 47 U.S.C. § 227(e) (Truth in Caller ID Act of 2009).

1       17. Mr. Sapan's residential line has been tariffed as a residential line since  
2 he was assigned it by the phone company more than ten (10) years ago.

3       18. Mr. Sapan registered his residential line on the National "Do-Not-  
4 Call" Registry on December 22, 2007 and Mr. Sapan has kept his residential line  
5 on the Registry from that time to the present.

6       19. Mr. Sapan never gave any CROSSCOUNTRY or any other person,  
7 agent, employee or entity associated with CROSSCOUNTRY express written  
8 permission to call him, nor does he have an established business relationship nor  
9 personal relationship with CROSSCOUNTRY or any other person, agent,  
10 employee or entity associated with CROSSCOUNTRY.

11       20. On the first call on May 20, 2020 after speaking with an alleged agent  
12 of CROSSCOUNTRY, "Angel with the Housing Assistance Center", Mr. Sapan  
13 was connected with a person who self-identified as "Blake from CrossCountry  
14 Mortgage" trying to sell home mortgage refinance services.

15       21. On the second call on April 28, 2021 at 12:47pm (the 4/28/21 calls are  
16 slightly out of time order on Exhibit 1, but are in time order on the list above), the  
17 caller self-identified as "Megan with CrossCountry Mortgage" who was trying to  
18 sell home mortgage refinance services.

19       22. CROSSCOUNTRY called again on April 28, 2021 at 12:15pm, and it  
20 was "Megan with CrossCountry Mortgage" again trying to sell home mortgage  
21 refinance services.

22       23. CROSSCOUNTRY called again on April 28, 2021 at 3:32pm, and it  
23 was "Megan with CrossCountry Mortgage" again trying to sell home mortgage  
24 refinance services.

25       24. CROSSCOUNTRY called again on April 28, 2021 at 3:36pm, and it  
26 was "Megan with CrossCountry Mortgage" again trying to sell home mortgage  
27 refinance services.

1       25. After these calls Mr. Sapan missed a call from the CID 440-845-3700  
2 on May 24, 2021 at 9:29am, however, CROSSCOUNTRY called later that day at  
3 3:08pm using the same CID number and Mr. Sapan answered and the caller self-  
4 identified as “Jason with CrossCountry” who was trying to sell home mortgage  
5 refinance services.

6       26. CROSSCONTRY called on June 23, 2021 at 1:13pm using CID 949-  
7 416-3601, and it was “Jeff with CrossCountry Mortgage” again trying to sell home  
8 mortgage refinance services.

9       27. CROSSCONTRY called again a minute later on June 23, 2021 at  
10 1:14pm using the same CID, Mr. Span did not answer, but “Jeff with CrossCountry  
11 Mortgage” left a voicemail still trying to sell home mortgage refinance services.

12       28. Mr. Sapan received eight more calls from the same CID 949-416-  
13 3601 used by “Jeff with CrossCountry Mortgage” from June 25, 2021 through July  
14 24, 2021 which he did not answer since he knew it was junk telemarketing from  
15 the CID number.

16       29. The CID number 440-845-3700 used in two of the calls is the main  
17 telephone number for CROSSCOUNTRY listed on their Yelp page, Better  
18 Business Bureau profile page and various other directory listings and government  
19 listings such as CROSSCOUNTRY’s U.S. Department of Housing and Urban  
20 Development lender list.

21       30. In every call Mr. Sapan answered the caller or the person the front-  
22 line caller brought on to make the sale self-identified as being “with CrossCountry  
23 Mortgage” at the outset of their sales pitch.

24       31. Each time Mr. Sapan answered CROSSCOUNTRY tried to sell  
25 mortgage refinance services.

26       32. Mr. Sapan never agreed to any callbacks.

27       33. Plaintiff alleges on information and belief that CROSSCOUNTRY  
28 transmitted the calls he did not answer to Mr. Sapan’s residential line which was

1 on the federal “Do Not Call” Registry to sell their mortgage refinance services just  
2 like they did in the previous calls using the same CID numbers.

3 34. All of the calls were made either by CROSCOUNTRY directly or  
4 “on behalf of” CROSCOUNTRY within the meaning of 47 U.S.C. 227(c)(5)  
5 because the point of all the calls was to sell CROSCOUNTRY’s mortgage  
6 refinance services.

7 35. Plaintiff pleads on information and belief that to the extent  
8 CROSCOUNTRY may have relied on any agent or other entity to begin  
9 telemarketing calls on its behalf, CROSCOUNTRY had direct knowledge that  
10 such calls are being made to residential numbers and to numbers on the Do Not  
11 Call Registry without consent.

12 36. Alternatively, Plaintiff pleads on information and belief that to the extent CROSCOUNTRY may have relied on any agent or other entity to begin  
13 telemarketing calls on its behalf, CROSCOUNTRY hired that agent to interact  
14 with the public on CROSCOUNTRY’ behalf using CROSCOUNTRY’ name  
15 when they brought the CROSCOUNTRY sales person into the illegal call and  
16 therefore gave implied authority to represent CROSCOUNTRY.

17 37. Alternatively, Plaintiff pleads on information and belief that  
18 CROSCOUNTRY ratified the making telemarketing calls on its behalf if made by  
19 third-party agents by knowing of the illegal conduct and failing to repudiate the  
20 conduct.

21 38. CROSCOUNTRY may have made more violative calls to Plaintiff’s  
22 residential line that he was unable to log or identify at the time and expressly  
23 includes claims for them herein even though the specifics of the dates and times  
24 are unknown at this time without the aid of discovery.

25 // /  
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1 **DIRECT LIABILITY OF CROSSCOUNTRY**  
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3 39. As detailed above, Plaintiff pleads that CID, 440-845-3700 is  
4 CROSSCOUNTRY's main telephone number and calls from it came directly from  
5 CROSSCOUNTRY.

6 40. As detailed above, Plaintiff pleads that in every call he answered the  
7 caller or the person the front-line caller brought on to make the sale self-identified  
8 as being "with CrossCountry Mortgage" at the outset of their sales pitch

9 41. Plaintiff pleads on information and belief that the officers, managers  
10 and employees for CROSSCOUNTRY knew about the illegal telemarketing calls  
11 as alleged above and in fact ordered such calls to be made because the calling was  
12 cold call junk telemarketing not directed to any specific person and used a  
13 technically sophisticated calling system that could illegally hide Caller ID Name  
14 which indicates that this was an intentional and organized corporate sales effort  
15 and not a rogue employee or random event.

16  
17 **AGENT LIABILITY ALLEGATIONS**  
18

19 42. Plaintiff pleads on information and belief that to the extent  
20 CROSSCOUNTRY may have relied on any agent or other entity to make  
21 telemarketing calls on its behalf, CROSSCOUNTRY had direct knowledge that  
22 such calls are being made to residential numbers and to numbers on the Do Not  
23 Call Registry without consent and/or authorized such actions by, *inter alia*,  
24 allowing the agent to bring direct CROSSCOUNTRY representatives into the call  
25 to attempt to complete the sale.

26 43. Alternatively, Plaintiff pleads on information and belief that to the  
27 extent CROSSCOUNTRY may have relied on any agent or other entity to make  
28 telemarketing calls on its behalf, CROSSCOUNTRY hired that agent to interact

1 with the public on CROSCOUNTRY' behalf and therefore gave implied  
2 authority to represent CROSCOUNTRY.

3 44. Alternatively, Plaintiff pleads on information and belief that  
4 CROSCOUNTRY ratified the making telemarketing calls on its behalf if made by  
5 third-party agents by knowing of the illegal conduct and failing to repudiate the  
6 conduct for all the reasons given above.

7 45. Plaintiff pleads on information and belief that to the extent  
8 CROSCOUNTRY uses any agents to make calls, CROSCOUNTRY has ordered  
9 their agent to make the illegal telemarketing calls to residential numbers on the  
10 National “Do-Not-Call” Registry for its benefit.

11 46. Plaintiff pleads on information and belief that to the extent  
12 CROSCOUNTRY uses any agents to make calls, CROSCOUNTRY knew or  
13 reasonably should have known that its agents were was making the illegal calls to  
14 residential numbers on the National “Do-Not-Call” Registry.

15 47. Plaintiff pleads on information and belief that to the extent  
16 CROSCOUNTRY uses any agents to make calls, CROSCOUNTRY explicitly  
17 condoned the actions of such agents in making the illegal telemarketing calls to  
18 residential numbers on the National “Do-Not-Call” Registry for its benefit by  
19 condoning their actions afterwards.

20 48. Plaintiff pleads on information and belief that to the extent  
21 CROSCOUNTRY uses any agents to make calls, CROSCOUNTRY explicitly  
22 hired by such agent in order to make the illegal telemarketing calls to numbers on  
23 the National “Do-Not-Call” Registry for the benefit of CROSCOUNTRY.

24 49. Plaintiff pleads on information and belief that “Ashley with the  
25 Housing Assistance Center”, “Amy from Mortgage Help”, “John from Mortgage  
26 Refinance”, “Mike with American Financial”, and “Sean with American Financial”  
27 are all agents of CROSCOUNTRY hired by CROSCOUNTRY to conduct

1 telemarketing on CROSSCOUNTRY's behalf, and that these persons engaged in  
2 all conducted alleged to have been conducted by agents of CROSSCOUNTRY.

3

4 **“ON BEHALF OF” LIABILITY ALLEGATIONS**

5 50. Plaintiff pleads that all calls complained of above were made "on  
6 behalf of" CROSSCOUNTRY within the meaning of those words as used in title  
7 47 of the United States Code section 227(c)(5): "A person who has received more  
8 than one telephone call within any 12-month period **by or on behalf of** the same  
9 entity in violation of the regulations prescribed under this subsection may, if  
10 otherwise permitted by the laws or rules of court of a State bring in an appropriate  
11 court of that State..." [emphasis added].

12 51. Plaintiff contends that "on behalf of" liability is a lesser standard than  
13 traditional agency liability.

14 52. Plaintiff pleads on information and belief that CROSSCOUNTRY  
15 hired, retained, instructed or allowed any entity or person who made the alleged  
16 calls to makes those calls on behalf of CROSSCOUNTRY in order to sell  
17 CROSSCOUNTRY's financial products.

18 53. Additionally, any call which was transferred to an employee of  
19 CROSSCOUNTRY was made on behalf of CROSSCOUNTRY to sell their  
20 services.

21 54. Plaintiff pleads on information and belief that "Angel with the  
22 Housing Assistance Center" in the first call —who was the only person in any call  
23 who did not self-identify as being "with CrossCountry" at some point—was hired,  
24 paid, retained, and/or engaged to make calls on behalf of CROSSCOUNTRY.

25 55. Plaintiff pleads on information and belief that "Megan with Mortgage  
26 Headquarters" who brought on "Derek with CrossCountry" in her first call on  
27 April 28, 2021 and who self-identified as being "with CrossCountry" in three later  
28 calls on April 28, 2021 was either a direct CROSSCOUNTRY employee or was

1 hired, paid, retained, and/or engaged to make calls on behalf of  
2 CROSCOUNTRY.

3

4 **ACTUAL HARM & WILFUL AND KNOWING CONDUCT**

5

6 56. The Telephone Consumer Protection Act of 1991 (“TCPA”) was  
7 passed in order to regulate telemarketing and requires that no telemarketer may call  
8 any number registered on the National “Do-Not-Call” Registry without prior  
9 express consent or a prior established business relationship.

10 57. Defendant has intentionally violated the TCPA in a so-far successful  
11 attempt to sell financial and mortgage related services.

12 58. Plaintiff has been harmed by these calls by the intrusion upon his  
13 privacy by callers who had no legal right to call his residential number.

14 59. Plaintiff has been harmed by the junk calls complained of herein by  
15 the direct waste of his time during the call itself, the indirect waste of time in  
16 having to break from other important tasks and spend time catching up after the  
17 junk call, the waste of telephone service which he and not Defendant must pay for,  
18 the costs of having to pursue legal remedies, and in the aggravation and consequent  
19 health effects of stress these illegal intrusions have caused.

20 60. Plaintiff has been harmed by the calls he did not answer by the direct  
21 waste of his time in having to check the Caller ID while he was busy in meetings  
22 or with other projects before declining the call, the indirect waste of time in having  
23 to break from other important tasks and spend time catching up after these junk  
24 calls, the waste of telephone service which he and not Defendant must pay for, the  
25 costs of having to pursue legal remedies, and in the aggravation and consequent  
26 health effects of stress these illegal intrusions have caused.

61. During each of Defendant's calls, Plaintiff wanted to make or receive a call to/from someone else for his own personal or business reasons and was blocked from doing so by the line being tied up by Defendant.

62. As a proximate result of these intrusions, Plaintiff suffered and invasion of his privacy because the call should never have been transmitted to him and rang his private phone at his private residence.

63. Plaintiff alleges on information and belief that Defendant made the calls described above intentionally, in the sense that the number called was the one they meant to call in pitching their services.

64. Plaintiff alleges on information and belief that Defendant made the calls described above knowing that they were made in contravention of the TCPA and other telemarketing laws and regulations.

## **CLASS ACTION ALLEGATIONS**

**65. Description of the Class:** Plaintiffs bring this class action against Defendant for injunctive relief and damages and all other relief available at law and in equity on behalf of themselves and members of the following class of persons:

*All persons and entities located within the United States of America who claim to be able to provide a phone bill or statement showing they were a residential telephone subscriber and that their number was registered on the National Do-Not-Call Registry to whose residential telephone Defendant and/or its agents transmitted two or more telemarketing calls in one calendar year without prior express written consent from the called party or an ‘existing business relationship’ at any time from May 16, 2020 to the present, including up to and through trial.*

1  
2       66. Excluded from the Class are governmental entities, Defendant, any  
3 entity in which Defendant have a controlling interest, and Defendant' officers,  
4 directors, affiliates, legal representatives, employees, co-conspirators, successors,  
5 subsidiaries, and assigns. Also excluded from the Class is any judge, justice, or  
6 judicial officer presiding over this matter and the members of their immediate  
7 families and judicial staff.

8       67. Plaintiff reserves the right to modify the Class description and the  
9 Class period based on the results of discovery.

10      68. **Numerosity:** The proposed Class is so numerous that individual  
11 joinder of all its members is impracticable. Due to the nature of the evidence of  
12 the number of calls made by Defendant, Plaintiffs believe that the total number of  
13 Class members is at least in the tens of thousands and members and the members  
14 are geographically dispersed across California and the United States. While the  
15 exact number and identities of the Class members are unknown at this time, such  
16 information can be ascertained through appropriate investigation and discovery,  
17 namely through Defendant's call records. The disposition of the claims of the  
18 Class members in a single class action will provide substantial benefits to all  
19 parties and to the Court.

20      69. **Common Questions of Law and Fact Predominate:** There are  
21 many questions of law and fact common to the representative Plaintiff and the  
22 Class, and those questions substantially predominate over any questions that may  
23 affect individual Class members. Common questions of fact and law include, but  
24 are not limited to, the following:

25       a. Whether Defendant transmitted two or more sales calls in any one  
26 calendar year to numbers on the National "Do-Not-Call" Registry.

1       b.    Whether Defendant transmitted these calls without prior express  
2       consent from the owners of those lines or a business relationship with them  
3       established before the calls were made.

4       c.    Whether the transmission of these calls was done willfully or  
5       knowingly by Defendant.

6       d.    Whether agency relationships giving rise to TCPA liability exist  
7       amongst and between Defendant and its agents.

8       70.   **Typicality:** Plaintiff's claims are typical of the claims of the  
9       members of the Class. Plaintiff and all members of the Class have been similarly  
10      affected by Defendant's common course of conduct since Defendant has  
11      repeatedly called the Class to sell their financial products.

12      71.   **Adequacy of Representation:** Plaintiff will fairly and adequately  
13      represent and protect the interests of the Class. Plaintiff has retained counsel with  
14      experience in handling complex litigation who has been previously certified as  
15      class counsel. Plaintiff and class counsel are committed to vigorously prosecuting  
16      this action on behalf of the Class and have the financial resources to do so. Neither  
17      Plaintiff nor class counsel have any interests adverse to those of the Class.

18      72.   **Superiority of a Class Action:** Plaintiff and the members of the  
19      Class suffered, and will continue to suffer, intangible and tangible harm as a result  
20      of Defendant's unlawful and wrongful conduct. A class action is superior to other  
21      available methods for the fair and efficient adjudication of the present controversy.  
22      Individual joinder of all members of the class is impractical. Even if individual  
23      class members had the resources to pursue individual litigation, it would be unduly  
24      burdensome to the courts in which the individual litigation would proceed.  
25      Individual litigation magnifies the delay and expense to all parties in the court  
26      system of resolving the controversies engendered by Defendant's common course  
27      of conduct. The class action device allows a single court to provide the benefits of  
28      unitary adjudication, judicial economy, and the fair and efficient handling of all

1 class members' claims in a single forum. The conduct of this action as a class  
2 action conserves the resources of the parties and of the judicial system and protects  
3 the rights of the class member. Furthermore, for many, if not most, a class action  
4 is the only feasible mechanism that allows therein an opportunity for legal redress  
5 and justice

6 73. Adjudication of individual class member's claims with respect to  
7 Defendant would, as a practical matter, be dispositive of the interests of other  
8 members not parties to the adjudication and could substantially impair or impede  
9 the ability of other class members to protect their interests.

10  
11 **CAUSES OF ACTION**  
12

13 **FIRST CAUSE OF ACTION: TCPA VIOLATION**  
14 **CALLS TO NUMBER ON THE NATIONAL “DO-NOT-CALL” REGISTRY**  
15 **(On Behalf of the Plaintiff Class)**

16  
17 74. Plaintiff realleges all paragraphs above and incorporates them herein  
18 by reference.

19 75. Plaintiff is bringing this action pursuant to the provisions of the  
20 Telephone Consumer Protection Act of 1991 (47 U.S.C. §227 and 47 C.F.R.  
21 §64.1200 – “TCPA”).

22 76. Subdivision (c) (2) of Section 64.1200 of Title 47 of the Code of  
23 Federal Regulations makes it unlawful for any person to “initiate any telephone  
24 solicitation” to “A residential telephone subscriber who has registered his or her  
25 telephone number on the national do-not-call registry of persons who do not wish  
26 to receive telephone solicitations.”

1       77. At all times relevant to this complaint, Plaintiff had registered his  
2 residential telephone number on the national do-not-call registry maintained by the  
3 U.S. Government.

4       78. Defendant has called Plaintiff's residential telephone line for  
5 solicitation purposes at least twice during a calendar year during the statutory  
6 period of the last 4 years, pursuant to 28 U.S.C. § 1658. These calls are the only  
7 calls known to Plaintiff at this time and Plaintiff states on information and belief,  
8 without yet having the aid of full discovery, that it is quite likely that Defendant  
9 has made many more violative calls to Plaintiff's residential telephone line. These  
10 calls were not made in error, nor did Defendant have express permission from  
11 Plaintiff to call, nor did Defendant have a personal relationship with Plaintiff. 37  
12 C.F.R. § 64.1200 (c) (i), (ii), & (iii).

13       79. Subdivision (c)(5) of section 227 of title 47 of the United States Code  
14 permits a private right of action in state court for violations the National "Do-Not-  
15 Call" Registry rules promulgated thereunder. Plaintiff may obtain relief in the  
16 form of injunctive relief or Plaintiff may recover up to \$500.00 for each violation,  
17 or both. If the court finds that Defendant's violations were willful or knowing, it  
18 may, in its discretion, award up to three times that amount.

19  
20       WHEREFORE Plaintiffs pray for judgment against Defendant, and each of  
21 them, as follows:

22 On the FIRST CAUSE OF ACTION:

23       1. For an award of \$500.00 for each violation of 47 U.S.C. § 227(c)(2);  
24       2. For an award of \$1,500.00 for each such violation found to have been  
25           willful;  
26       3. For injunctive relief pursuant to 47 U.S.C. 227(c)(5)(A);

27 On ALL CAUSES OF ACTION:

28       4. For attorney's fees pursuant to all applicable federal and state statutes;

5. For costs of suit herein incurred; and
6. For such further relief as the Court deems proper.

DATED: May 16, 2024

## PRATO & REICHMAN, APC

/s/ Christopher J. Reichman, Esq.  
By: Christopher J. Reichman, Esq.

By: Christopher J. Reichman Esq  
**Prato & Reichman, APC**

## Prato & Reichman, APC Attorneys for Plaintiff

Attorneys for Plaintiff,